IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 7978 of 2007(Y)

PETITIONER:

N.JENSON, MUKALUVILA VEEDU,
NANDIRICKAL, VELLIMON P.O.,
KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR
SRI.C.ARUN

RESPONDENTS:

1.KUNDARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
KUNDARA, KOLLAM.

2.THE SECRETARY,
KUNDARA GRAMA PANCHAYATH,
KUNDARA, KOLLAM.

BY ADV. SRI.T.M.ABDUL LATHEEF
SRI.B.SURESH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No. 7978 of 2007

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Dated: 20th March, 2007

JUDGMENT

Not that I do not find any force at all in the submissions of Mr.S.Santhosh Kumar, counsel for the petitioner that the Panchayat has only searching for reasons to put the petitioner out, but in view of the conceded position that the Panchayat has already taken a decision to cancel the auction, the petitioner has to seek his remedies before the statutory appellate forum, i.e. the Tribunal for Local Self Government Institutions. I dispose of the Writ Petition relegating the petitioner to the remedy by way of appeal. Re-auction to be conducted by the Panchayat will be subject to the decision of the Tribunal in the prospective appeal. The petitioner as well as Mr.Shajahan who sought for impleadment in this court will have the liberty for participating in the re-auction. If the petitioner's bid at the re-auction is not below his earlier bid, he will not be made liable for risk and costs.

srd **PIUS C.KURIAKOSE, JUDGE**